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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,036	07/21/2003	Michael T. Zitkovic JR.	ITT-506-A	5127

7590 02/04/2004

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EXAMINER

NICHOLSON, ERIC K

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/624,036

Applicant(s)

ZITKOVIC, MICHAEL T.

Examiner

Eric K Nicholson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

DETAILED ACTION

Claim Rejections -35 USC § 112

Claim 3 and 4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In dependent claims 3 and 4 it appears that the claim from which they depend has been left out by mistake, for the purposes of this office action claims 3 and 4 will be treated as depending from claim 1. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 3,144,710 to Hollander et al.. The Hollander et al. fluid tight coupling illustrates the features of the present invention including a first component 21 formed of a body having a through bore extending from a first end and a second component 20 having a through bore extending from a first end. An open ended recess 34 extending axially from the first end of the first component (see figs. 5 and 6). Bonding material 36 which is spin welding induced (column 2, lines 30-35)

disposed in the recess of the first component whereby the first end of the second component is joined to the recess of the first component by the bonding material via a spin weld (column 2, lines 45-55).

Claim 1,3,7 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,784,409 to Piechowiak. The Piechowiak fluid tight coupling between two components 10 and 30 illustrates the features of making the coupling including forming an annular recess 60,64 in one end of the first component 30, fixing a bonding material 20 which is spin weld compatible (column 3, lines 35-40) into the recess and inserting the second component 10 into the recess 60,64 of the first component 30 whereby the first and second components are bonded to each other by the bonding material via spin welding (see column 2, lines 45-55). As to claim 3 the bonding material 20 is inserted in a loose state into the recess and the temperature of the bonding material is raised to a molten state during the spin welding process of the first and second components (see column 2, lines 40-50). As to claim 7 which adds the limitation that the bonding material be compatible with metal and plastic see column 3, lines 35-40 which states that the bonding material 20 is from polybutylene materials and column 1, lines 30-50 which indicates that polybutylene is suitable for plumbing constructions of both metal and plastic. As to claim 8 see the first component 30 formed of a body having a through bore extending from a first end and a second component 10 having a through bore extending from a first end. An open ended recess 60,64 extending axially from the first end of the first component (see fig. 1). Bonding material 20 which is spin welding induced material (column 3, lines 35-40) disposed in the

recess of the first component whereby the first end of the second component is joined to the recess of the first component by the bonding material 20 via a spin weld (column 4, lines 50-60).

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,199,916 to Klinger et al. in view of U.S. patent 3,144,710 to Hollander et al.. Klinger et al. discloses the claimed device (fig. 5) with a first component 48 formed of a body having a through bore extending from a first end and a second component 46 having a through bore extending from a first end. An open ended recess 84 extending axially from the first end of the first component. Bonding material 90 and 94 which is spin welding induced (column 5, lines 10-25) disposed in the recess of the first component whereby the first end of the second component is joined to the recess of the first component by the bonding material via a spin weld (column 5,

lines 50-65). Klinger differs from the present invention in that the bonding material is fixed to the second component 46 and not to the first component in the recess. Hollander et al., as noted above, discloses that it is known in the art to provide a similar type coupling with the bonding material 36 of a spin welded connection in the recess of the two components being spun weld together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide in Klinger, bonding material to be fixed in the recess of the first component such as taught by Hollander et al. in order to provide a more secure coupling for the inserted component due to insuring that the bonding does not get displaced from the intended location of the desired weld and is properly captured in the recess.

Claim 2 is rejected under 35 U.S.C. § 103 as being unpatentable over U.S. patent 6,199,916 to Klinger et al. in view of U.S. patent 3,144,710 to Hollander et al. as applied to claims 1 and 3-8 above, and further in view of U.S. patent 5,426,791 to Sydor et al.. As noted above the combination of Klinger et al. and Hollander et al. discloses the claimed device however as to claim 2 the combination differs from the present invention in that the bonding material is not fixed to the recess by the step of double injection molding. Sydor et al. discloses that double injection molding is a known alternative in the art (see column 5, lines 50-60) to provide a suitable coupling between members of the same base material and be able to bond without the aid adhesives. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bonding material to be fixed in the recess of the first component via a double injection molding step such as taught by Sydor et al., in order to provide an alternative and secure coupling for the inserted component with the aid of adhesives.

## Conclusion

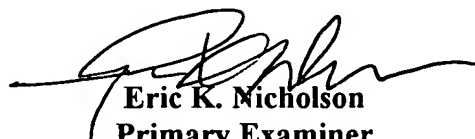
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number for Technology Center 3600 is (703) 872-9306..

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

ekn  
1/30/04  
W@H

  
**Eric K. Nicholson**  
**Primary Examiner**  
**Technology Center 3600**